

MEETING OF THE  
DISTRICT OF COLUMBIA STATEHOOD  
CONSTITUTIONAL CONVENTION

- - -

Tuesday, February 16, 1982

6:34 p.m.

- - -

CHARLES CASSELL, President  
WILLIAM B. COOPER, Secretary  
WARNER LAWSON, Parliamentarian

Ninth Floor Auditorium  
10th and E Streets, N. W.  
Washington, D. C.

P R O C E E D I N G S

(6:34 p.m.)

PRESIDENT CASSELL: I call the convention to order.  
We'll now have the roll call by the Secretary.

MR. COOPER: Delegate Baldwin?

MR. BALDWIN: Here.

MR. COOPER: Delegate Barnes?

(No response.)

MR. COOPER: Delegate Blount?

MR. BLOUNT: Present.

MR. COOPER: Delegate Bruning?

MR. BRUNING: Here.

MR. COOPER: Delegate Cassell?

PRESIDENT CASSELL: Present.

MR. COOPER: Delegate Clark?

MR. CLARK: Here.

MR. COOPER: Delegate Coates?

MR. COATES: Here.

MR. COOPER: Delegate Cooper, present.

Delegate Corn?

(No response.)

MR. COOPER: Delegate Croft?

MR. CROFT: Present.

2

MR. COOPER: Delegate Eichhorn?

MS. EICHHORN: Here.

MR. COOPER: Delegate Feeley?

(No response.)

MR. COOPER: Delegate Freeman?

(No response.)

MR. COOPER: Delegate Garner?

MR. GARNER: Here.

MR. COOPER: Delegate Graham?

MS. GRAHAM: Here.

MR. COOPER: Delegate Harris?

MS. HARRIS: Here.

MR. COOPER: Delegate Holmes?

MS. HOLMES: Here.

MR. COOPER: Delegate Jackson?

MR. JACKSON: Present.

MR. COOPER: Delegate Johnson?

MS. JOHNSON: Here.

MR. COOPER: Delegate Jones?

MS. JONES: Here.

MR. COOPER: Delegate Jordan?

MR. JORDAN: Present?

MR. COOPER: Delegate Kameny?

MR. KAMENY: Here.

MR. COOPER: Delegate Lockridge?

(No response.)

MR. COOPER: Delegate Long?

MR. LONG: Here.

MR. COOPER: Delegate Love?

(No response.)

MR. COOPER: Delegate Maguire?

MS. MAGUIRE: Here.

MR. COOPER: Delegate Marcus?

MR. MARCUS: Good evening.

MR. COOPER: Delegate Charles Mason?

(No response.)

MR. COOPER: Delegate Hilda Mason?

(No response.)

MR. COOPER: Delegate Brian Moore?

MR. B. MOORE: Present.

MR. COOPER: Delegate Jerry Moore?

(No response.)

MR. COOPER: Delegate Talmadge Moore?

MR. T. MOORE: Here.

MR. COOPER: Delegate Nahikian?

(No response.)



5

MR. COOPER: Delegate Nixon?

MR. NIXON: Here.

MR. COOPER: Delegate Oulahan?

(No response.)

MR. COOPER: Delegate Paramore?

(No response.)

MR. COOPER: Delegate Robinson?

MR. ROBINSON: Here.

MR. COOPER: Delegate Rothschild?

(No response.)

MR. COOPER: Delegate Schrag?

MR. SCHRAG: Here.

MR. COOPER: Delegate Shelton?

(No response.)

MR. COOPER: Delegate Simmons?

(No response.)

MR. COOPER: Delegate Street?

(No response.)

MR. COOPER: Delegate Terrell?

(No response.)

MR. COOPER: Delegate Thomas?

MR. THOMAS: Here.

MR. COOPER: Delegate Warren?

MS. WARREN: Here.

MR. COOPER: Delegate Harris?

MS. HARRIS: Here.

MR. COOPER: Delegate Lockridge?

MS. LOCKRIDGE: Here.

MR. COOPER: Delegate Rothschild?

MR. ROTHSCCHILD: Here.

MR. COOPER: Mr. Chairman, there are 31 members present.

PRESIDENT CASSELL: There are 31 members present; there is a quorum.

Delegate Blount?

MR. BLOUNT: I move the adoption of the minutes of the February 11th meeting, with the necessary corrections.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has moved and seconded that the minutes be adopted with the necessary corrections. Are you ready for the question?

MR. LONG: I only have a copy of February 11th.

MR. KAMENY: Yes.

MR. BLOUNT: That's what I moved.

MR. LONG: The agenda also mentions February 13th.

PRESIDENT CASSELL: Let's take care of this and

then we'll get to that.

Are you ready for the question? All in favor?

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: All right, the minutes are approved.

Now, you'll notice that the agenda indicates that there will be the reading of the minutes of the February 13th meeting. As it turns out, we have a secretary now who just happens to be typing those minutes now. The typing has not been completed, nor have they been copied.

Those minutes will be read at the next meeting. We now have a speed reader who will be taking our minutes for us so that there will be no problem of having the minutes completed, typed and distributed throughout. We apologize for not having the minutes from the last meeting ready for your acceptance.

MR. KAMENY: Point of information.

PRESIDENT CASSELL: Yes, delegate Kameny.

MR. KAMENY: Just for my knowledge and without in

way challenging it, how did we acquire a speed writer to take our notes?

PRESIDENT CASSELL: We have from the Mayor a young lady named Judith Wells.

MS. WELLS: Excuse me.

PRESIDENT CASSELL: Yes?

MS. WELLS: The speed reader is Mr. Fred Lander; he is doing it for you. He is one of our secretaries that has been detailed over to help us.

MR. KAMENY: Fine, fine.

PRESIDENT CASSELL: I was about to give you credit for having acquired him for us.

MS. WELLS: Oh, thank you.

MR. COATES: Did you say a writer, Mr. Chairman, or a reader?

PRESIDENT CASSELL: A speed writer. We'll have to do our own speed reading.

We're now at item number 4 on the agenda, and that is the completion of the rules that we adopted. Before we do that, let us look at the sheet here which is entitled "Tasks to be Completed Prior to Commencement of Work on the Constitution."

We have completed the chapters on voting and

9

motions. We have yet to do the order of business, the amendments of rules, and chapter 8, the general provisions. We have yet to fill convention committee positions and elect chairpersons. We have to set the financial procedures, and there is an ad hoc committee which is working on that.

We have to obtain staff for ourselves. We have to obtain such voluntary assistance as is available, and we've got to determine how we're going to utilize the space that we have here in this building.

So, we're now back to the adoption of the rules, and we are on chapter number 6.

Delegate Rothschild?

MR. ROTHSCCHILD: I have an inquiry. I had this question before we adjourned and I had trouble getting in. I'd like to know at what point we might be considering the calendar regarding the 90 days. In other words, I would like some type of dialogue among ourselves as to when we just accept 90 days or whatever.

It was mentioned to me at one of the Saturday hearings at UDC prior to the convening of the convention that during this preliminary period, that type of a discussion could or would --

PRESIDENT CASSELL: Let me interrupt you and tell

you that there is an ad hoc committee which is working on that and will make a report today for our consideration.

MR. ROTHSCHILD: On the 90 days?

PRESIDENT CASSELL: Among other things.

MR. ROTHSCHILD: Thank you.

PRESIDENT CASSELL: Our Secretary had to leave, so we won't take any motions until he comes back.

Delegate Baldwin?

MR. BALDWIN: Mine would be a motion.

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: I would like to know when an amendment would be in order. Presumably, it's not at the moment.

PRESIDENT CASSELL: Just as soon as delegate Holmes resumes with the presentation of rule 6.

MR. KAMENY: Fine.

PRESIDENT CASSELL: Delegate Holmes?

MS. HOLMES: Mr. Chairman, I move that we adopt rule 6.1, Order of Business, with all corrections and amendments, if there be any.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that rule 6.1 be adopted with all amendments.

MR. KAMENY: Is a proposed amendment in order?

PRESIDENT CASSELL: Yes.

MR. KAMENY: Mr. Chairman, I would like to propose an amendment with respect to subsection (2), "Prayer." I have some problems with that; I know a number of other delegates do.

I would like to suggest, in deference to the feeling that many people have, that we follow the course here adopted by the City Council, and therefore I move that the word "prayer" be deleted and, in its place, be substituted "voluntary silent meditation."

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the word "prayer" in number (2) under 6.1 be deleted and that it be replaced with "voluntary moment of silence."

MR. KAMENY: That, or "voluntary silent meditation." I said "voluntary silent meditation," but I won't quibble with what you've said.

PRESIDENT CASSELL: All right. Any discussion? Delegate Robinson?

MR. ROBINSON: Mr. Chairman, members of this convention, I rise in opposition to the deletion of, or in any

way circumventing the order of business, roll call, or prayer being eliminated from our order of business.

I worked on this section; I researched this section of the rules. I looked at other conventions, and it would be beyond me that we, living in the United States of America, a God-fearing country, would delete prayer and would ask that the Almighty be excluded from our deliberations.

Our Constitution, the one that we must not be in opposition to, included a provision for prayer.

MR. KAMENY: No.

PRESIDENT CASSELL: Delegate Kameny, please.

MR. ROBINSON: It included a provision for prayer. You can yell "no" all you want, but there was prayer at the Continental Congress; there was prayer in Philadelphia.

I will ask my fellow delegates not to delete or in any way change prayer or eliminate prayer from our order of business.

PRESIDENT CASSELL: All right. Let me ask you to keep your comments to no more than two minutes. Is anyone speaking for the motion?

MR. KAMENY: Point of order. Do I get the chance to close the debate, or what is your procedure?

PRESIDENT CASSELL: You may close the debate if you



care to.

Is there anyone for the motion, or is there anyone against the motion? Delegate Croft?

MR. CROFT: I'd like to make a substitute motion. The substitute motion is that we have a moment of silence beginning the meeting.

PRESIDENT CASSELL: That would be an amendment.

MR. CROFT: I'd like to make an amendment that we have a moment of silence, and I make that amendment for particular reasons. One is that I disagree with the interpretation of American history that was just given, and I think that we've come to an issue, which is that we're Protestants, we're Catholics, we're Jews and we're Muslims.

I'm a Catholic; I would therefore oppose a Protestant prayer. I would oppose a Jewish prayer or a Muslim prayer if I'm going to pray. A moment of silence allows each of us to exercise our own conscience in terms of who it is we indeed pray to, if we pray to anyone. For that reason, I offer the amendment.

PRESIDENT CASSELL: All right. That motion has been accepted by the maker of the original motion.

MR. KAMENY: Yes.

PRESIDENT CASSELL: Did you get a second to that?

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. Delegate Clark?

MR. CLARK: Is it the thought that if the motion is not passed, the prayer which is contemplated by the order of business proposed would be a verbal, enunciated prayer of one individual, or is it contemplated that the prayer that is set forth in the order would be silent prayer?

PRESIDENT CASSELL: It is not specified. May I ask the preparers of this particular chapter what the intent was?

MR. ROBINSON: Silent.

PRESIDENT CASSELL: The response is that it was silent.

MR. CLARK: So, if I understand it, Mr. Robinson would not be opposed to a moment of silent prayer.

MR. ROBINSON: That's correct, sir.

MR. CLARK: Is Mr. Robinson opposed to the motion, then, as it now stands, which is a moment of silence?

MR. ROBINSON: Mr. Robinson is opposed to the motion as now stated. Mr. Robinson would prefer the motion to state "a moment of silent prayer," not "a moment of silence."

PRESIDENT CASSELL: Further discussion on the substitute motion?

MR. CLARK: Mr. Chairman, I know a little bit, I

guess, about First Amendment history. My own view is that the First Amendment cannot be used to require prayer; that a body, however, may select to do it anyway, and that if we should vote here to provide for prayer, it should not establish any predicate for constitutional considerations that we might have later as to what law might require citizens to do.

We are functioning here as a group of citizens and as a group of persons, and it is my own belief, while I am a strong First Amendment libertarian and the prohibition of the First Amendment is against government establishing religion, it cannot work to require this group or any other group to pray; it cannot work to prohibit this group from praying.

And if it is within the choice of this group to pray silently, then it is not a violation of the First Amendment, nor should it be read to say that we have a more constrained view of the First Amendment than the history of our country has developed. Thank you.

PRESIDENT CASSELL: Further discussion on the substitute motion?

MR. CROFT: Yes.

PRESIDENT CASSELL: Anyone who has not spoken?

(No response.)

MR. CROFT: I would take exception to that. I would

argue that this body cannot legally require me to pray. This body cannot legally require me to pray either verbally or silently. I think that we are indeed running into very, very dangerous ground. I think that we have to respect the individual consciences of the members of this group.

In other words, I think that we have to respect individual conscience, and therefore I am again arguing for my substitute, which is that we have a moment of silence, because I think that that allows individual conscience to be respected.

PRESIDENT CASSELL: Delegate Cooper?

MR. COOPER: I'd like to just point up to Mr. Croft through the Chair, if I could, that this order of business in no way requires you to pray; it in no way requires you to approve the calendar of the day. In no way does it call for you to even respond to a roll.

MR. CROFT: This body --

MR. COOPER: I respected Mr. Croft when he was speaking.

PRESIDENT CASSELL: Mr. Croft, please.

MR. COOPER: I would urge my fellow delegates to vote down this substitute motion. I would go so far as to say that we should vote down the substitute motion and continue

with leaving the item of prayer on the order of business.

PRESIDENT CASSELL: All right. Are you ready for the question? All in favor of the substitute motion, which states that this be replaced --

MR. JORDAN: Division.

MR. COOPER: Division of what?

MR. JORDAN: Division of the house.

PRESIDENT CASSELL: Yes, I understand.

The substitute motion reads that item number (2) under 6.1 which says "Prayer" should be replaced with "a moment of silence." All in favor, signify by raising your right hands.

MR. COOPER: Some people let their hands down.

PRESIDENT CASSELL: Let's make it a practice tonight to just keep them up, get a fast count, and then go to the next vote.

MR. COOPER: Twelve.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Twenty.

PRESIDENT CASSELL: Abstaining?

MR. COOPER: Two.

PRESIDENT CASSELL: The motion fails, 12, 20, 2. We're back to the original amendment, and that is delegate

Kameny's amendment, and delegate Kameny's amendment is that number (2) be replaced with "voluntary silent meditation."

All in favor of Kameny's motion, signify by raising your right hands.

MR. JACKSON: Silent what?

MR. KAMENY: Voluntary silent meditation.

PRESIDENT CASSELL: Voluntary silent meditation.

MR. CROFT: Point or order.

PRESIDENT CASSELL: Do we really need a point of order?

MR. CROFT: I'm going to vote for that, but I don't quite understand the difference between a moment of silent prayer and --

MS. EICHHORN: What are we voting on now?

MR. CROFT: Can you restate the motion, please?

PRESIDENT CASSELL: A motion is on the floor. We're in the middle of a vote. Please let us complete the vote.

MS. SIMMONS: We don't know what we're voting for.

PRESIDENT CASSELL: The motion as I read it is delegate Kameny's motion, and delegate Kameny's motion is that number (2) be replaced with "voluntary silent meditation."

MR. BLOUNT: Point of order. We just voted on that.

MR. COOPER: No, we didn't. We just voted on

Croft's substitute.

MR. CLARK: Point of order.

PRESIDENT CASSELL: All right, quiet. Point of order, delegate Clark.

MR. CLARK: Delegate Kameny accepted delegate Croft's amendment, so what we voted down was delegate Kameny's amendment.

MR. COOPER: He placed it on the floor originally as a substitute motion.

PRESIDENT CASSELL: Delegate Clark is correct. The Chair has been reminded that delegate Kameny did accept delegate Croft's amendment, did you not, delegate Kameny?

MR. KAMENY: Yes.

PRESIDENT CASSELL: Okay, the motion loses.

Is there any other discussion on delegate Holmes' motion? Delegate Baldwin, you had a motion regarding this?

MR. BALDWIN: Are we through with this "Prayer?"

PRESIDENT CASSELL: Yes, we are.

MR. BALDWIN: Mr. President, mine is a procedure thing. On February 2nd, delegate Lockridge from Ward 8 moved that an order of business be adopted, and this body did, in fact, adopt an order of business. So, I'm saying as a procedure kind of thing, we do have the Rules Committee

proposing an order of business.

So, if we could check off those items that we have adopted, and there are six of them, and only deal tonight with those that we have not adopted, I think we could move along much quicker. In other words, rather than coming up with a motion to rescind previous action and all of that, this body has, in fact, adopted an order of business, and those six items that we adopted are included in the 13. So, my position is that we not vote on those six that we have adopted tonight, but only deal with those seven that we have not adopted.

PRESIDENT CASSELL: Okay. Do you want to specify those that we have adopted?

MR. BALDWIN: Yes. We have adopted item number 1, item number 4, item number 9, 11, 12 and 13.

PRESIDENT CASSELL: Were those adopted in that order?

MR. BALDWIN: Those were adopted on February 2nd. We're just keeping from going over items that we've already adopted.

PRESIDENT CASSELL: Were they adopted in that order?

MR. BALDWIN: They were adopted in the following order: reading and approval of minutes; report of officers'



board and standing, permanent, established committees; report of special, select or ad hoc committees; special orders, which was number 4; number 5, unfinished business and general orders; and number 6, new business.

Since those items are included in the committee's recommendation, and in order to save time, I'm only suggesting that rather than rescind previous action, that we just adopt those and move into those seven that we haven't adopted.

PRESIDENT CASSELL: What was the date of that motion?

MR. BALDWIN: February 2nd.

PRESIDENT CASSELL: Delegate Baldwin, is that a motion?

MR. BALDWIN: The reason I don't think a motion would be in order at this point is we should see what we're going to amend, and at the end of 6.1, there would be a motion then to amend the previous items and include whatever we decide on tonight.

I can make a motion, but it really wouldn't say too much, other than a procedure kind of thing saying that we do this. Then somebody would have to come back and make a motion later on to amend.

MR. KAMENY: Point of order.

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: Unless I misunderstand what delegate Baldwin is doing, when we adopt 6.1, we are adopting an order of business that supersedes any interim measures taken in the past on that matter, and I think that therefore we are spending time here on something that doesn't need time to be spent on.

Let us adopt 6.1, if that is the rule of the body, and that is that. Other orders of business from other days are then no longer in effect.

MR. BALDWIN: I'm sure delegate Kameny realizes that if there's previous action, we're going to have to rescind it, amend it, or do something; I think we should, if we're going to be an efficient, responsible body. Someone, later on, can look through and research the minutes and say, "Now, they adopted this on February 2nd and then they came back and did this."

I don't feel that strongly about it, but to me it's just a procedural kind of thing that I think, number one, would save some time. And, secondly, I would make a motion that we rescind if he insists that we are going to proceed this way. It's a minor thing.

PRESIDENT CASSELL: First of all, let me ask if there is any challenge to delegate Baldwin's indicating that

there was a previous adoption of the rules as listed by delegate Baldwin.

Delegate Long?

MR. LONG: The order of business adopted by this body at that time was for the meetings in which we were going to consider the rules. What we have now before us is a set of permanent rules, and the previous motion has no application to the time after the adoption of the rules.

So, I believe Mr. Baldwin's interpretation to be incorrect; that that motion was not adopted as a permanent rule for this body throughout its life but only during the time until the rules are finally adopted. So, I don't believe any action is required, and what we have before us is 6.1 to be voted on.

MR. BALDWIN: Mr. President, we didn't say it wasn't permanent either. As I say, I won't push the point. I thought we would want to save time, and I think we want to do things in an orderly, business and professional way. These minutes will be kept, and people will be going back over them and researching them. And if you look at February 2nd, Mr. Long, you'll note that it did not say temporary and it did not say "for tonight." It said, "these are rules of the convention," and I thought you'd want to clean that up. But I

don't feel that strongly about it.

PRESIDENT CASSELL: Yes, but would you want to make a motion to that effect, since there is a challenge to the effectiveness of that action which was taken on February 2nd?

MR. BALDWIN: Mr. President, I move that we delete for discussion purposes those items that this convention has adopted under the order of business; i.e., number one, calling the convention to order; number two, approval of the minutes; number three, reports of operating committees; number four, unfinished business; number five, special orders of the day; and number six, general orders of the day.

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we delete for consideration today those parts of 6.1 which have already been approved at a previous meeting, and that we concentrate on the remainder of those -- those that Mr. Baldwin has mentioned: calling the convention to order, approval of the minutes of the preceding day, reports of operating committees, unfinished business, special orders of the day, and general orders of the day.

Discussion?

MR. COATES: I thought we had a motion pending.

PRESIDENT CASSELL: Well, these are the corrections now, or the amendments to that. We start each time with a motion to approve with amendments; we're involved in amendments now.

Delegate Schrag?

MR. SCHRAG: I have a question for delegate Baldwin.

Delegate Baldwin, if your motion is approved, will the rules, when they're finally printed up and distributed to all the members, include the full list of 13 or only the seven that are left after you delete your six?

MR. BALDWIN: I think I made it very clear, delegate Schrag, that it would include the full list. I said those six items that we have adopted would be as they are on the Rules Committee and that we would only deal with the seven that we haven't taken any action on. Once we've dealt with the remaining seven and approve all of those, it would be intact.

MR. SCHRAG: So, they would appear in the same order in which they're here?

MR. BALDWIN: Yes, sure.

MR. SCHRAG: Thank you.

MR. B. MOORE: Mr. Baldwin, where in the February 2 minutes is it referred to?

MR. BALDWIN: Do you have the February 2nd minutes?

MR. B. MOORE: Yes, I do.

MR. BALDWIN: I don't have them in front of me.

PRESIDENT CASSELL: The Secretary will read from the February 2nd minutes.

MR. COOPER: "Motion by delegate Lockridge to set the order of business as outlined in Roberts Rules of Order, Newly Revised, which is the adopted parliamentary authority of this body as of January 30th, 1982," and that motion carried.

PRESIDENT CASSELL: Does that answer your question, delegate Moore?

MR. B. MOORE: Yes, it does; thank you.

MS. HARRIS: Would the Chair mind again reading the numbers off of the six that were covered? I think I missed one.

PRESIDENT CASSELL: The first one was number 1, the next one was number 4, number 9, number 11, number 12, number 13.

MS. HARRIS: Okay.

MR. BALDWIN: Mr. President, I'd like to say that this is not to delete, not to rearrange, but just to say we've acted on these, and why do we have to do it again tonight? That was the sense of my motion.

PRESIDENT CASSELL: Okay. Your motion doesn't necessarily refer to the order in which these appear here.

MR. BALDWIN: No.

PRESIDENT CASSELL: Any further discussion on that?

MR. JACKSON: Yes, Mr. Chairman. I can appreciate Mr. Baldwin's efforts to save time. I think it's important, but I don't see why the Chair cannot rule on whether these points have been made. It is not a point of contention around taking or deleting anything, and this is within the powers of the Chair to say whether or not these points have been accepted or not, and we could move on.

I beg the Chair to say they have been accepted, and let's move on.

PRESIDENT CASSELL: The Chair will respond by saying that based on the February 2nd minutes, they have been accepted, and we will move on.

Are there any further amendments to article 6.1?

(No response.)

PRESIDENT CASSELL: There being none, I call the question.

Delegate Marcus?

MR. MARCUS: I don't want to drag us through this vote once again, but I would like to move that we insert the

word "silent" before the word "prayer" under section (2) of article 6.1.

(The motion was duly seconded.)

MR. MARCUS: Thank you.

PRESIDENT CASSELL: I'm going to rule that out of order because that is a reconsideration; that issue has been settled.

MR. JACKSON: Mr. Robinson used the word "silent" when he made his original motion when he spoke about it.

MS. SHELTON: Mr. Chair, point of information.

PRESIDENT CASSELL: Yes?

MS. SHELTON: May I ask a question of delegate Robinson?

MR. ROBINSON: Yes, ma'am.

MS. SHELTON: Delegate Robinson, would you be opposed to the word "prayer" as it appears on item (2) being inserted as part of the order of business, as it stands without the word "silent" before it?

MR. ROBINSON: I would not be opposed to the wording as it now stands.

MR. MARCUS: Point of order.

PRESIDENT CASSELL: Delegate Marcus?

MR. MARCUS: My motion is substantively different



than the two motions that were previously offered in regard to this particular point. I was perfectly willing to leave the language "prayer," but I would like to specify, as delegate Robinson said he was willing to accept, the word "silent" before the word "prayer." It's a different notion that the previous motion offered, and I have a second.

PRESIDENT CASSELL: Delegate Robinson did accept the suggestion of "silent prayer."

MR. KAMENY: I'll second his motion, if that's in order.

PRESIDENT CASSELL: It has been moved and seconded by delegate Marcus that "prayer" be left and that "silent" precede it. There is a second. Is there any discussion on that?

(No response.)

PRESIDENT CASSELL: All in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(There was one "nay.")

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: Okay. The original motion is

now on the floor for the adoption of 6.1.

MR. KAMENY: I move the previous question.

PRESIDENT CASSELL: The previous question has been moved. All in favor of cutting off debate, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Those abstaining?

(No response.)

PRESIDENT CASSELL: The original motion is on the floor. What is your pleasure? Those in favor of 6.1, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: 6.1 is adopted.

Delegate Holmes?

MS. HOLMES: Mr. Chairman, I move that we adopt rule 6.2, General Order of Business.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that 6.2 be adopted, with amendments. Is there any discussion Delegate Kameny?

MR. KAMENY: I'm a little bit puzzled with respect to item number (3), the final reading of the complete constitution, which seems to me to be a substantive matter to come up when it comes up, but it is not something that I understand as part of the general orders.

If I can hear an explanation, fine, but if I don't hear an explanation, then I may move to amend.

PRESIDENT CASSELL: Does anyone from the Rules Committee care to respond to that question?

(No response.)

PRESIDENT CASSELL: Hearing no response, delegate Kameny?

MR. KAMENY: I would move that we delete item number (3), final reading of the complete constitution.

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that item number (3) under 6.2, which reads, "Final reading of the complete constitution," be struck. Discussion?

Delegate Moore?

MR. B. MOORE: I did not hear his rationale for the motion.

MR. KAMENY: That is not a general order. That is a substantive issue, like any substantive issue that may come up when the time comes to take it up, or like any other matter you may take up, but it's not in the nature of a general order, which is what 6.2 deals with.

PRESIDENT CASSELL: Further discussion?

(No response.)

PRESIDENT CASSELL: Hearing none, are you ready for the question? Those in favor of deleting item number 6.2 (3), final reading of the completed constitution, signify by raising your right hands.

MR. COOPER: Thirty.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Three.

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion carries.

Delegate Holmes?

MS. HOLMES: Mr. Chairman, I move 6.3 on procedures, with amendments and corrections, if there be any.

(The motion was duly seconded.)

MR. KAMENY: Point of order. We have not adopted 6.2 yet. We adopted an amendment to 6.2, but we have not adopted 6.2.

PRESIDENT CASSELL: All right. We passed an amendment deleting number (3). Thank you, delegate Kameny. Those in favor of 6.2, as amended, signify by standing.

(A majority of the body stood.)

PRESIDENT CASSELL: The motion carries.

Delegate Holmes?

MS. HOLMES: Mr. Chairman, I move that we adopt rule 6.3, with the corrections --

PRESIDENT CASSELL: Excuse me. Delegate Thomas, please, let us have quiet now so we can move on.

Delegate Holmes?

MS. HOLMES: I move that we adopt 6.3, with corrections and amendments if there be any.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that rule 6.3 be adopted, with corrections. Is there any discussion?

(No response.)

PRESIDENT CASSELL: No discussion. Are you ready

for the question? Those in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: The motion carries.

Delegate Holmes, chapter 7.

MR. LONG: Mr. President, at the last meeting in the process of adopting chapter 5, there was a direction from the body to make some changes to the motions which are allowable in the convention. If I remember correctly, there was a motion passed which said that when Roberts Rules of Order are not in conflict with this set of motions, then they shall apply.

But there was a direction to add a set of motions which would be deleted from Roberts Rules as being authorized by this body. I'm uncertain as to what to do now. The Rules Committee presumably does not exist anymore. However, because I had been the author of the original table of motions, I've drawn up a proposal which deals with this question. I have copies of it; I've distributed copies to those former members of the Rules Committee that now sit here, and I need further

direction.

Are we to deal with these tonight?

PRESIDENT CASSELL: May the Chair see a copy of those, please?

MR. LONG: Yes, sure.

PRESIDENT CASSELL: Delegate Long, let us continue where we are and do that at the end of the rules, all right?

MR. LONG: All right.

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: I just want to make a point that as a member of the previous Rules Committee, it would be in order, I think, if we would take these suggestions that delegate Long has prepared and look over them and bring them back at a later time to deal with. We have not had time to look at them.

I move that we table these for this evening and have a chance to look at them.

(The motion was duly seconded.)

PRESIDENT CASSELL: That really wasn't a motion, but delegate Long suggested we table --

MS. HARRIS: No, not table them this evening, but at a later time.

PRESIDENT CASSELL: Okay, that we deal with them after we've had an opportunity to read these, reflect,

contemplate, and then make a decision at the next meeting.

Delegate Moore, and then delegate Baldwin.

MR. B. MOORE: Is there a motion on the floor?

MS. HARRIS: Yes.

MR. B. MOORE: I have another item.

PRESIDENT CASSELL: Discussion on Harris' motion?

Delegate Harris' motion to table is on the floor.

MS. HARRIS: Not to table, to postpone.

PRESIDENT CASSELL: To postpone consideration of delegate Long's suggestion, and that was seconded.

Delegate Maguire, and delegate Schrag.

MS. MAGUIRE: I want to speak against the motion.

PRESIDENT CASSELL: I'm sorry, I can't hear you.

Can you speak a little louder?

MS. MAGUIRE: I was under the impression that people wanted to finish the rules tonight and move on to writing the constitution, and I think we should just dive in and finish it and not table it.

PRESIDENT CASSELL: Any other discussion on that motion?

(No response.)

PRESIDENT CASSELL: Are you ready for the question?

All in favor of delegate Harris' motion to set aside for a



later date, raise your right hands.

MR. COOPER: Thirty.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Carried.

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion carries.

Delegate Holmes?

MR. B. MOORE: Mr. Chairman?

PRESIDENT CASSELL: Yes? I'm sorry, delegate Moore.

MR. B. MOORE: Regarding rule 6.3 that was previously passed, I need a clarification from the Chair on the first sentence. It says, "If a matter is not considered in its order" ---

PRESIDENT CASSELL: It has not been passed yet.

MR. B. MOORE: I need a clarification from the Chair on your understanding of the first sentence, where it says, "If a matter is not considered in its order, it shall lose its precedence for the day." Does that mean that if the Chair skips over an item --

PRESIDENT CASSELL: Then it cannot be brought to the calendar until the next day.

MR. B. MOORE: Is there any other way to skip an

item other than through the Chair passing over it?

PRESIDENT CASSELL: Any other way to skip an item? It isn't the Chair passing it over; it's simply if it's not considered in its order, it shall lose its precedence for the day. I'm not sure that that's clear. Is this because the Chair has skipped over it, or because it simply isn't raised?

Delegate Schrag?

MR. SCHRAG: My understanding of this rule is that it refers to matters that are on the calendar for a day but simply aren't reached because other business takes an unexpectedly long time; that is, it's my understanding that the Chair does not have the power to skip over an item that's on the calendar, but that this refers to matters that the Chair simply doesn't get to, or the body doesn't get to, because it takes too long to do prior business.

MR. B. MOORE: Well, why does it say "in its order?"

MR. SCHRAG: The order is the order of business referred to in section 6.1. In other words, suppose you don't get to unfinished business, number 11, because reports of operating committees, number 9, takes up all the time. The question then is, what happens to that unfinished business?

The answer is, it appears back as number 11 on the following day. The following day, you still have to start

with number one, following the convention order, and then it's silent prayer, and then alphabetical roll call, and so forth.

It may have been only two from the top on day one, but on day two, it reverts to being eleventh from the top. That's my understanding of the rule.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: Number one, it definitely doesn't say that, and if they had that in mind, they could have said, "any order not reached today would be passed over to the next one." So, we have an order that takes care of that under unfinished business.

"Unfinished business and general orders: matters previously introduced which have come over from the preceding meeting." So, that is unnecessary. That's what general orders and unfinished business means, so there's no point. I agree with delegate Moore; there's no point in having that in there. That would automatically happen anyway, so why put it in there?

We have a rule that covers that. It specifically states that if you don't reach it today, it goes over until tomorrow.

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: I agree fully with delegate Baldwin.

I'm also troubled by the fact that as the language stands, as I read it in terms of what the English language conveys to me, it would seem to imply that the body would not be able to change the order so that something could be considered in a different order, even if the body withdrew it, but would have to put it over to the next day.

MR. BALDWIN: True.

MR. KAMENY: That would seem to place a limitation on the discretion of this body in the conduct of its business which I don't think this body would want. I would therefore suggest that the language be changed to read, "If a matter is not reached for consideration, it shall appear on the calendar on the following day."

(The motion was duly seconded.)

MR. COOPER: Is that a suggestion or a motion?

MR. KAMENY: That's a motion.

PRESIDENT CASSELL: He moved, and it was seconded.

It has been moved and seconded that the first line be changed to read, "If a matter is not reached for consideration, it shall appear on the second day." Is that correct?

MR. KAMENY: "On the following day."

PRESIDENT CASSELL: "On the agenda on the following

day."

Any discussion on that motion?

(No response.)

PRESIDENT CASSELL: All in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: It is so revised.

Delegate Holmes?

MS. HOLMES: Mr. Chairman, I move that we adopt rule 7.1 on amendments, with corrections and amendments if there be any.

MR. COOPER: We've got to do 6.3.

PRESIDENT CASSELL: The Chair apologizes again. Will you forgive me?

MS. SIMMONS: Mr. President, may I make an observation?

PRESIDENT CASSELL: Yes.

MS. SIMMONS: I wish to share the observation that the First Vice President should be sitting with the President.

and I think the logistics there doesn't make it too impossible. I think that our reporters ought to be accommodated in a manner other than that which obviates the consistent organization of this body in terms of its rules.

So, I would like to see the First Vice President at that table someplace there with the President and the Secretary, and how that's accomplished quickly is to just move with dispatch.

(Laughter.)

PRESIDENT CASSELL: That is a suggestion which I think we should take.

MR. T. MOORE: I have a motion, and it is that all officers and committee chairmen who are definitely included on the agenda of a meeting should sit in the front row or near microphones to streamline the meeting. This would cut down on the hustle and bustle which so often causes delay.

(The motion was duly seconded.)

MR. COOPER: What is than an amendment to?

PRESIDENT CASSELL: Do we have to have a motion on that, or can we just accept that as policy?

(No response.)

PRESIDENT CASSELL: All right, it is accepted.

Any further discussion on rule 6.3?

(No response.)

PRESIDENT CASSELL: Those in favor of 6.3, as amended, please raise your hands.

(A majority of the body raised their hands.)

PRESIDENT CASSELL: The motion carries.

Now, delegate Holmes, chapter 7.

MS. HOLMES: Chapter 7, Amendments to the Rules.

Mr. Chairman, I make a motion that we adopt rule 7.1, with corrections and amendments if there be any.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we adopt rule 7.1 on amendments, with such corrections as there may be. Discussion?

MR. COATES: Mr. Chairman?

PRESIDENT CASSELL: Delegates Coates?

MR. COATES: I don't understand why in one sentence four calendar days are provided for the Rules Committee, whereas in the other sentence only two calendar days are required for a copy to be required to delegates.

Does that mean that the Rules Committee could consider in secret proposed amendments to the rules, unbeknowning to the delegates here? I don't know what the rationale is. I have not been satisfied about my concern at

this point, and I wonder whether the chair of the committee could be informational to us as to why that differential is there.

The other matter is to suggest an amendment in the last line of rule 7.1.

PRESIDENT CASSELL: Well, let's take them one at a time.

MR. COATES: Thank you, sir.

PRESIDENT CASSELL: Would someone from that committee want to clarify that point of inquiry?

MS. HOLMES: I think the four calendar days was to try to get to everyone within the four calendar days, and then if they were unsuccessful, they were given two more to try to reach them on time before they took any action on amendments. They said the mails; so, in other words, they were going to have telephone calls to follow and they were going to try to get the mail in the boxes here instead of trying to get it to your house, because mail is so slow.

They were giving you the first four days; then, if they couldn't reach you in the four days, they were going to try to add two more to it to make sure they got this message to you.

MR. COATES: My understanding is that this four-day



requirement is with respect to the committee.

MS. HOLMES: It is.

MR. COATES: And that the two-day requirement is with respect to the delegates.

MS. HOLMES: After the committee meets.

MR. COATES: I don't understand the rationale, therefore, for it. In my view, it means that the committee could, in secret, have in its consideration a proposed amendment to the rules.

I don't have the benefit of what the committee has, if it has it two days prior to the requirement that I have it.

PRESIDENT CASSELL: Delegate Coates, let me recognize delegate Mason, a member of that committee, to respond. Delegate Mason?

MR. C. MASON: I was on the Rules Committee, and my interpretation of this, I think, will perhaps satisfy Mr. Coates.

The intention, as far as I understood, was that when somebody brought up an amendment, it was delivered simultaneously to the Rules Committee and to everybody else. The action could not take place sooner than two days. If the Rules Committee took four days to consider it, it had to wait four days. If the Rules Committee approved it in one hour,

it still had to wait two days.

But there were two times: from the time it's delivered to the Rules Committee until they are discharged of it, if they do nothing, which is four days, and the other provision is that everybody has to have at least two days' notice. In other words, even if the Rules Committee approves of it in one hour, everybody has to have two days' notice.

MR. COATES: That's quite clear, but I do not understand why we couldn't have required that such proposed amendments to rules be posted immediately upon receipt of the committee so that we would know.

MR. C. MASON: That was the intent.

MR. COATES: But it's not stated here. I'd like for that to be explicit in rule 7.1, and I therefore propose, Mr. Chairman, that in the next to the last line, following the word "and," we insert "upon receipt by the committee of the proposed amendments, a copy must," and strike "have been," "be posted by the appropriate officer at the convention's place of business."

MR. B. MOORE: Could you repeat that, please?

PRESIDENT CASSELL: Delegate Coates has suggested that in the next to the last line, after the word "and," be injected, "upon receipt by the committee of the proposed

amendment, a copy must be posted by an appropriate officer at the convention's place of business."

Did I read that correctly?

MR. COATES: That's correct, sir.

PRESIDENT CASSELL: Did that get a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: Any discussion?

(No response.)

PRESIDENT CASSELL: There being none, all those in favor of that amendment, signify by raising your hands.

MR. COOPER: Twenty-nine.

PRESIDENT CASSELL: Those opposed?

(Several hands were raised.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: The motion carries.

MS. HARRIS: Mr. President?

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: One of the concerns I have in rule 7.1 is that these rules may be amended by a majority vote of our delegates. That means that if a quorum is 23 and there are 12 people there, they can amend the rules.

I'd like to move that "majority" be substituted with

"two-thirds." "These rules may be amended by a vote of two-thirds."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that a change be made to the effect that the majority must be two-thirds.

Delegate Simmons?

MS. SIMMONS: Well, my understanding, if I read it correctly, is that it says a majority of all delegates. The delegates are 45.

MS. HARRIS: But there doesn't have to be 45 for a quorum.

MS. SIMMONS: So, when you state very specifically "a majority of the delegates," you're talking about 23. We're not talking about those present and sitting.

MS. HARRIS: That doesn't say that.

PRESIDENT CASSELL: I think the operative word is "all."

MS. SIMMONS: Yes, it says "all delegates." Well, I'm only adding this for clarity. I'm suggesting that that's my understanding, and probably the people on the Rules Committee can tell me what their intent was.

MS. HARRIS: I was on the Rules Committee.

PRESIDENT CASSELL: Delegate Long?

MR. LONG: The intent was 23 delegates, so why don't we say so? I move we substitute, "These rules may be amended by a vote of 23 delegates."

PRESIDENT CASSELL: A minimum of 23 delegates.

(The motion was duly seconded.)

PRESIDENT CASSELL: Delegate Mason?

MS. H. MASON: I don't have any objection to this discussion. It's very clear that it cannot --

PRESIDENT CASSELL: We need a cessation of some of the mumbling so we can hear.

MS. H. MASON: Pardon?

PRESIDENT CASSELL: I was referring to the talking while you were speaking.

MS. H. MASON: I'm saying we cannot have a meeting unless we have a quorum, and a quorum is more than half of the delegates; that's 23. So, I don't know why we're discussing it.

MS. SIMMONS: Because of the language.

MS. H. MASON: If you say "a majority," are you saying you want it to be more than a clear majority?

PRESIDENT CASSELL: Delegate Simmons, please; we can't hear the conversation.

MS. SIMMONS: I apologize to the Chair for my rudeness. I want it a matter of record, too.

PRESIDENT CASSELL: Delegate Mason?

MS. H. MASON: I apologize, Mr. President.

PRESIDENT CASSELL: Delegate Moore?

MR. T. MOORE: I just wanted to comment that a two-thirds vote is required when changing the rules of debate, cutting off debate, closing nominations, et cetera. So, I would recommend that we have two-thirds.

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: I'm not sure exactly what is in order here. I'll defer to the Chair after I state what I'm interested in and let the Chair instruct me.

I concur fully with delegate Moore's suggestion. The general sense is that rules ought to be stated so that you know what you're dealing with and you keep dealing with the same things, and therefore you need a sizable number of people, not just a simple, absolute majority, to change them.

Therefore, in whatever way is in order, I would like to move that we word this to say, "The rules may be amended by a vote of two-thirds of all delegates."

(The motion was duly seconded.)

PRESIDENT CASSELL: Is this a substitute?

MR. KAMENY: If the Chair will accept it as a substitute of the motion, if that's in order.

PRESIDENT CASSELL: Well, there's already an amended motion on the floor by delegate Long, and that is to substitute the word "23."

MR. KAMENY: In that case, two-thirds of 45 is 30, and I would like to say, therefore, "a vote of 30 delegates."

MS. HARRIS: Mr. President, point of information. That is the same as my motion.

MR. KAMENY: Yes, exactly, but we had wandered far from your motion. What's on the floor now is not your motion.

MS. HARRIS: Yes, but my motion is the same as what you're saying.

MR. KAMENY: Yes, so you and I are now in agreement.

MS. SIMMONS: What are you saying, 30 people?

MR. KAMENY: Thirty people, two-thirds of the total.

PRESIDENT CASSELL: There is an amendment on the floor offered by delegate Long, and that is, rather than to say "a majority," to say "by the vote of 23 delegates."

All those in favor of that amendment, signify by saying aye.

MS. HARRIS: Which amendment are we on?

PRESIDENT CASSELL: It's the first amendment by

52  
delegate Long, which we have not voted on.

MR. B. MOORE: Would you repeat the amendment?

PRESIDENT CASSELL: Once more, delegate Long's motion would make this amendment read, "These rules may be amended by the vote of 23 delegates."

MS. SIMMONS: May I speak to the motion?

PRESIDENT CASSELL: Yes.

MS. SIMMONS: Mr. President and body, you know, at \$30 per diem, everyone here has got something else to do. No one is here for 100 percent of your time and attention. The reality is that if we insist on two-thirds rather than the majority of the delegates, we're going to find ourselves, down the pike, unable to function because there may not be 30 people sitting at all times for every hour of this entire convention for the 90 days.

I just hate to see us wrap ourselves up into a stalemate. I think that would look worse than to have to change when we have two-thirds and reconsider and deal with actions that we might be unhappy with that took place with 23 people present than to have to close out the day and be able to do nothing.

I just would like you to consider that because everyone in this room is not giving 24 hours a day, seven



days a week for the next 90 days to accomplish this task.

PRESIDENT CASSELL: Delegate Schrag, I apologize for missing you in order.

MR. SCHRAG: I won't make this as a motion, but I want to throw out to the body that --

PRESIDENT CASSELL: Are you speaking on delegate Long's motion?

MR. SCHRAG: Yes. I want to throw out to the body a suggestion. Maybe we could communicate by nods of heads rather than confusing things with a motion. But there's an easy compromise available, which is 27 delegates, which is somewhere between 27 and 30, and this might solve the problems raised by delegate Simmons of getting 30 people here and agreeing on something, and also give us a little more protection against the problems of shifting rules that delegate Kameny alluded to. Maybe people would like 27.

PRESIDENT CASSELL: Delegate Kameny, and delegate Harris.

MR. KAMENY: I wanted to respond to delegate Simmons. This deals only with changes of rules.

MS. SIMMONS: Yes.

MR. KAMENY: The sense of what I am proposing is that while we don't certainly want to make changes of rules

impossible, we don't want to leave them to the chance blowings of the wind.

Therefore, you make it reasonably difficult, without making it anywhere near impossible. We're not going to be having amendments to the rules everyday, but once in a great while, and you avoid having them too often by making it something like two-thirds of the whole convention; namely, 30.

PRESIDENT CASSELL: Delegate Street?

MS. STREET: In rule 8.1, the committee has set aside what a quorum is. I'm sorry to be a step ahead, and I'm not trying to confuse the issue, but the committee has said here that 23 shall constitute a quorum, and reading further down in the third line, "When a quorum is present, a majority of the delegates present may adopt any motion or resolution, unless otherwise specified."

MS. HARRIS: That's the problem.

MS. STREET: That, to me, would give credence to the motion.

PRESIDENT CASSELL: Delegate Rothschild?

MR. ROTHSCHILD: I would like to agree with delegate Simmons that it is not advisable to put in two-thirds. I think we are designing a bunch of rules for a task which we have not yet entered into completely. We are really not sure

of what the problems will be later on.

If this was something we had been doing day in and day out and we had designed rules, then I would say we'd want them pretty firm. But in this case, I think 23 is a substantial number of people to have to vote in favor, and I don't agree with Mr. Kameny that a majority of 23 is an easy thing to get necessarily and I would like to have that flexibility. Thank you.

PRESIDENT CASSELL: All right. I'll take one more and then we're going to vote. Delegate Blount?

MR. BLOUNT: I move the previous question.

PRESIDENT CASSELL: Are you ready for the question? Delegate Long's motion is that we substitute for "majority," "23." All those in favor, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Division of the house. All of those in favor, please stand.

MR. COOPER: Nine.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Twenty-five.

PRESIDENT CASSELL: Okay, the motion loses.

MR. KAMENY: Mr. President, is my motion in order now?

PRESIDENT CASSELL: We are back to the motion of delegate Harris that we replace "majority" with "two-thirds." Are you ready for the vote?

MR. SCHRAG: Mr. President?

PRESIDENT CASSELL: What is your unreadiness?

MR. SCHRAG: I would like at this point to offer a substitute of 27, in terms of what I spoke of before as a compromise. If this is defeated, then we can move on to delegate --

PRESIDENT CASSELL: Is there a second?

(The motion was duly seconded.)

PRESIDENT CASSELL: Delegate Schrag's --

MR. SCHRAG: It would read, "These rules may be amended by the affirmative vote of 27 delegates," et cetera.

PRESIDENT CASSELL: Okay. All of those in favor of replacing that with 27, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(A chorus of "nays.")

PRESIDENT CASSELL: Division of the house. Those in favor, please stand.

MR. COOPER: Nine.

PRESIDENT CASSELL: Those opposed?

MR. COOPER: Twenty-five.

PRESIDENT CASSELL: Okay, the motion loses.

We're back to delegate Harris' motion, and delegate Harris' motion is that we replace "majority" with "two-thirds of all delegates." All in favor of delegate Harris' motion, signify by standing.

(A majority of the body stood.)

PRESIDENT CASSELL: The motion carries.

MS. HARRIS: What was the vote?

PRESIDENT CASSELL: The Chair declared that the motion carried. We did not record it.

MS. SIMMONS: He didn't count it; the Chair declared it passed.

PRESIDENT CASSELL: Delegate Harris' motion is carried.

Delegate Moore?

MR. B. MOORE: I'd like to direct my question through the Chair to Mr. Mason, since he was the one that was directly involved in proposing this to the Rules Committee.

MS. MAGUIRE: I can't hear.

MR. B. MOORE: Mr. Chairman, I'd like to direct my

question to Mr. Mason, who was the original author of this section with the Rules Committee, and maybe he can give me a further understanding.

Apparently, an individual delegate who submits a proposed amendment to the Rules Committee -- if the Rules Committee denies consideration of that amendment, it cannot go to the full body. Is that correct?

MR. C. MASON: The intent was that the Rules Committee had four days to consider it. If the Rules Committee approved it, it would be acted upon sooner. If the Rules Committee took no action in the four days, then the whole body could do it, but they must have had at least two days' notice, as I read it.

There's nothing that says that the Rules Committee has to approve it. There's nothing that says that the Rules Committee's disapproval keeps the body from acting on it. All it says is the Rules Committee has four days to consider it before the body considers it.

MR. B. MOORE: Thank you.

PRESIDENT CASSELL: We are now back to Charlotte Holmes' motion for the adoption of rule 7.1, with amendments.

MS. HOLMES: Mr. Chairman, I move that we accept rule 7.1, with all the corrections and amendments.

(The motion was duly seconded.)

PRESIDENT CASSELL: Is there any discussion?

(No response.)

PRESIDENT CASSELL: All those in favor, signify by standing.

(A majority of the body stood.)

PRESIDENT CASSELL: Okay, it's unanimous. We've adopted 7.1.

Delegate Holmes?

MS. HOLMES: Mr. Chairman, it affords me great pleasure to go to chapter 8 to finish these rules.

(Laughter.)

MS. HOLMES: I make a motion that we adopt rule 8.1, with corrections and amendments.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that rule 8.1 be adopted, with corrections and amendments. Is there any discussion?

MR. COATES: Discussion.

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: Mr. Chairman, my concern is reflected at the point of rule 8.2, which in pertinent part --

MS. HARRIS: 8.1.

MR. COATES: I'm sorry, sir; I stand corrected.

PRESIDENT CASSELL: Delegate Simmons?

MS. SIMMONS: I rise to ask the body to be consistent. Since 30 has been agreed upon by this body in an action to amend the rules, I would think that we would want at least that number to transact business. The business of this body is more important than the rules, I submit.

That's my motion, Mr. President.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that a quorum, rather than 23, be 30 delegates --

MS. SIMMONS: Right.

PRESIDENT CASSELL: -- for the transaction of business.

MR. KAMENY: Point of information.

PRESIDENT CASSELL: Information?

MR. KAMENY: I would like to ask delegate Simmons, is your amendment to change what a quorum is, or to change what we need to take action. I don't understand what your motion is?

MS. SIMMONS: The quorum is 23, as earlier indicated but if we're going to transact business, it seems to me that the substance of this convention is the constitution, and I am



rather concerned that we will take substantive action on the constitution, its article and its parts with a simple majority, and yet we require 30 to decide whether we're going to do it today or tomorrow.

It just seems to me like we've got some kind of perverted value scheme operating here. I think the substance of the convention is more important than the track that we run it on. And the action of the body has indicated that when we do something is more important than what we do, and I don't subscribe to that latter notion.

PRESIDENT CASSELL: Delegate Long?

MR. LONG: Previously, delegate Simmons supported a majority to change rules.

MS. SIMMONS: Yes.

MR. LONG: The body now having made a mistake by not agreeing with her, she now wishes the body to suffer by raising the quorum to that level. Because we made a mistake once, there's no sense for us to make a mistake again. Let's leave the quorum at a majority of the delegates.

PRESIDENT CASSELL: Any further unreadiness?

MR. SCHRAG: Mr. President?

PRESIDENT CASSELL: Delegate Schrag?

MR. SCHRAG: Could you restate the amendment that is

being proposed? Is it to change the word "23" to the word "30" in line one?

PRESIDENT CASSELL: Correct.

MR. KAMENY: That's what I understood it to be.

PRESIDENT CASSELL: Delegate Mason?

MS. H. MASON: Mr. Chairman and members of the delegation, quite often a body such as ours has a simple majority requirement for passing a proposal. But when it comes to reconsideration or amending, the body usually makes it a little harder to amend.

I would urge my colleagues not to push to require that we have that many people present in order to make motions. I think that would be an undue hardship. Thank you, Mr. Chairman.

MS. SIMMONS: Mr. President, I'm persuaded. I withdraw the motion, if the seconder will agree, since it belongs to the body.

PRESIDENT CASSELL: Does the seconder agree to withdraw that motion?

(The second was withdrawn.)

PRESIDENT CASSELL: Any further amendments to 8.1?

(No response.)

PRESIDENT CASSELL: We then go to rule 8.2. Delegates

Coates?

MR. COATES: Mr. Chairman, thank you.

MR. KAMENY: Point of order. Have we adopted 8.1?

MS. HARRIS: No.

PRESIDENT CASSELL: Thank you.

MS. HARRIS: Point of information.

PRESIDENT CASSELL: Point of information?

MS. HARRIS: My hand was on the end of 8.1 before he stood up for 8.2.

PRESIDENT CASSELL: Well, we haven't adopted 8.1 anyway.

MS. HARRIS: I guess my question here is in the second sentence of 8.1. It says, "When a quorum is present," which is 23 people, "a majority of the delegates present," which would be 12, "may adopt any motion or resolution, unless otherwise specified in these rules."

I think that that is a very small number of people to adopt any resolution or any motion for this entire body, and that's a majority of the quorum, which is 23. I think that is the section of this that ought to be changed; that a quorum should be present to adopt any motion or resolution, unless otherwise specified. That's at least 23 people.

Otherwise, you're saying that 12 or 13 people can

come together and put through motions and put through resolutions for this entire body, and I think that's not a representative number of this entire delegation.

PRESIDENT CASSELL: Would you make a --

MS. HARRIS: Yes. I'm moving that a quorum of delegates should be present to adopt any motion or resolution, unless otherwise specified in these rules, and take "a majority of those present" out.

Mr. Chair, delete "a majority of," and I think that might make it right. "When a quorum is present, the delegates may adopt any motion or resolution, unless otherwise specified in these rules."

PRESIDENT CASSELL: It isn't clear to the Chair how many delegates would be required.

MS. HARRIS: A quorum is 23, so there has to be a quorum; a quorum must be present in order to adopt any motion or resolution. That's what this is saying, if you delete "a majority of."

(Pause.)

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: I have a clarification of that; I'm not sure it's here. My clarification is that a quorum must be present to adopt any motion or resolution.

PRESIDENT CASSELL: Delegate Harris, let me ask you a question. When a quorum is present, that could be 23.

MS. HARRIS: That's right.

PRESIDENT CASSELL: Under those circumstances, how many votes are necessary to pass a resolution?

MS. HARRIS: It should be 23; it should be the quorum.

PRESIDENT CASSELL: Well, that's not what's clear. I understand what you're saying now, but I think the wording has to be more specific.

MS. HARRIS: A quorum must be present and voting.

PRESIDENT CASSELL: Let's hear it again now.

MS. HARRIS: "A quorum must be present and voting in order to adopt any motion or resolution."

PRESIDENT CASSELL: That doesn't accomplish what you want.

Delegate Baldwin?

MR. BALDWIN: I see the interpretation the same as delegate Harris. My interpretation of what's written says when a quorum is present -- you need a quorum to transact business, motions, resolutions, et cetera. Then they say, "a majority of the quorum present," and she's right that the majority of the quorum present is 12.

MS. HARRIS: That's right.

MR. BALDWIN: She's trying to delete "a majority of" and let it read that you would need a quorum, 23 people, to transact business, resolutions, motions, et cetera. That's the intent of her motion.

If you leave "a majority of," it definitely says a majority of a quorum; a majority of 23 is 12. She's trying to clean it up to say -- some people would interpret it that way. Other people are saying, "Well, I interpret it to mean 23 present in order to transact business." I think it would just clear it up if you deleted "a majority of."

MR. COATES: Mr. Chairman, it seems to me that the sense of delegate Harris' question is as follows. When a quorum is present, a motion or resolution may be adopted upon 23 affirmative votes. You may quarrel about the wording here, but that is the sense of her question. Every action that prevails should require 23 affirmative votes.

MS. HARRIS: That's right. That's pretty much what Jim said.

PRESIDENT CASSELL: Delegate Shelton, and then Maguire.

MS. SHELTON: I think the context of delegate Harris' question is embodied in the way in which sections of

the constitution can come before us. As you will note, we've already approved the section that says, "on the first reading." That would mean that 12 people on the first reading could approve a section of the constitution.

MS. HARRIS: That's right.

MS. SHELTON: And then on the second reading, where 45 delegates may be present, he would then take a three-fourths vote to amend the action of 12 people. I think delegate Harris' concern on that point is that on the first reading, we should have a larger number than 12 to approve a section of the constitution.

MS. HARRIS: That's right.

MS. SHELTON: Now, if we agree on that concept, then we can develop the language to relate to that concept.

PRESIDENT CASSELL: Delegate Harris, let me ask you, does delegate Coates' restatement of your motion accurately reflect the sense of your motion?

MS. HARRIS: Yes, 23 people present and voting.

PRESIDENT CASSELL: Delegate Maguire?

MS. MAGUIRE: What you're saying is that if 23 people show up, in order to pass anything you need 23 votes. So, that means that in one room, with 23 people present, we all have to agree for anything to happen. Is that what you're

saying?

MS. HARRIS: To adopt a resolution, yes.

MS. MAGUIRE: All 23 people have to agree that are in that room, and if there are 30 people there, that means a minority is seven. Is that what you're saying?

MS. HARRIS: Yes.

PRESIDENT CASSELL: Do you have the answer to your question, delegate Maguire?

MS. MAGUIRE: Yes.

PRESIDENT CASSELL: Please, everybody be quiet now and let's get a response to that question so we can go on to the next person.

MS. HARRIS: What I'm saying is that you'd need 23 people present out of 45 delegates voting for or against.

MS. MAGUIRE: So, we can talk all we want, but you're saying if we don't have a quorum, we can't do anything.

MS. HARRIS: Yes, you can.

MS. MAGUIRE: But you would need 23 votes to pass. Is that what you're saying?

MS. HARRIS: Yes.

MS. MAGUIRE: I would speak against your amendment. We'll just never get anything done. We have 90 days and we're not going to get anything done.



MS. HARRIS: We have never met where we've had 23 people in this convention. What this is saying is that 12 people can, in fact, pass a resolution.

MS. MAGUIRE: I just want to make a point. When these rules first came out, I called up several people on the Rules Committee and I was screaming to these people, "What's this majority? I want two-thirds." I had it all figured out. I still have it down here. I have thought about this for two weeks now, and we're not going to get anything done.

MS. HARRIS: Well, if the document is going to be representative, then it ought to be representative in its voting.

PRESIDENT CASSELL: I think we've had enough discussion between Maguire and Harris.

Jackson, Kameny, Cooper, Mason, Marcus.

MR. JACKSON: Yes, sir. I'm a bit confused by the motion and the numbers because I don't see how a quorum can be put together to call a meeting and the meeting has been in order, and then you tell whoever is there that they cannot do business. How can a meeting be in order and not do business?

Now, you can look at the rules if you want. Around the question of amending rules, it says here that it should always be two-thirds, so just look at the thing. Around the

question of quorums, if you want to look at a little history, this book says the number of those present at the time of registration, not necessarily in the room.

But, now, to tell me that 23 people can come here and the other 22 don't -- that's their business. If they don't come, they can't come. But you also say that 22 people can not come and keep the convention from moving.

So, I think it is foolish to think that people can come and have a quorum and call a meeting to order and you tell them they can't do anything. That's disrespect for me and for the people of D. C., and I think that we should throw it back.

PRESIDENT CASSELL: Kameny?

MR. KAMENY: This motion, if put into effect, is going to totally immobilize us. Let me give you an example. We have reached the end of the evening; there are 23 delegates present. A motion comes up for adjournment; one delegate votes no. So, the 22 vote for adjournment and we stay here until the next day or the following week, if he is stubborn. That is what will happen. You cannot operate a convention or any other body that way. Thank you.

PRESIDENT CASSELL: Thank you. Delegate Cooper?

MR. COOPER: I was prepared to offer a substitute

amendment that would certainly clarify the language. But in light of all that has been said, I'd like to call upon Ms. Harris, if I could, through the Chair, to simply withdraw the motion.

PRESIDENT CASSELL: Without hearing any response, delegate Mason?

MS. H. MASON: Mr. President and members of the delegation, it has been my experience in all of the bodies that I have observed and participated in that a simple majority is a quorum, and a simple majority carries, unless for amending or reconsidering.

That's true with the Board of Education of the District of Columbia; it's true with the Council of the District of Columbia. It's also true with the Congress. I would like to say to you that I certainly hope that Congress would not come up with such a rule when they're considering our constitution, that you have to have more than a simple majority, because we have been selling the statehood issue on the basis that it takes a simple majority of Congress to pass it, not a two-thirds vote.

I would not want to put in anybody's head that we would want anybody to think about changing that simple majority vote to anything higher, because it would be much

harder to get it through. I beg the delegation to consider this very carefully.

PRESIDENT CASSELL: Marcus and Baldwin, and then we're going to vote. Marcus?

MR. MARCUS: My colleagues who have spoken against this motion have done so ably, so I will not bore the body with my comments in this regard. Thank you.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: Mr. President, I would like to amend the amendment for 8.1 to read as follows: "Quorum: 23 delegates shall constitute a quorum for the transaction of business, but a smaller number may adjourn the convention from day to day. When a quorum is present, it may adopt any motion or resolution, unless otherwise specified in these rules. A quorum must be present for any vote to be valid."

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded, an amendment to the amendment, which reads -- the Secretary will read it.

MR. COOPER: "Twenty-three delegates shall constitute a quorum for the transaction of business, but a smaller number may adjourn the convention from day to day."

PRESIDENT CASSELL: Please, please.

MR. BALDWIN: I'll read it again.

PRESIDENT CASSELL: All right.

MR. BALDWIN: If you have 8.1 in front of you, I'm only changing -- if you do the change now, then you'll know what the intent of the motion is. Do you have 8.1 in front of you?

VOICES: Yes.

MR. BALDWIN: I'm deleting, "a majority of the delegates present," and inserting "it may adopt any motion." So, the only words being deleted are "a majority of the delegates present." If you delete those words, it would then read, "23 delegates shall constitute a quorum for the transaction of business, but a smaller number may adjourn the convention from day to day. When a quorum is present, it may adopt any motion or resolution, unless otherwise specified in these rules. A quorum must be present for any vote to be valid."

PRESIDENT CASSELL: Is that clear?

MR. COATES: Mr. Chairman, this is --

PRESIDENT CASSELL: Did we get a second to that?

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay.

MR. COATES: Point of redundancy. This accomplishes

no more than what is in the present wording unless we, in the action that we take here, record the intent to interpret it in some other way. But if 12 is a quorum --

MR. BALDWIN: Twelve is not a quorum. I don't understand why you say 12 would be a quorum.

MR. COATES: The language, sir, does not require that there be 23 votes.

MR. BALDWIN: Let's just look at what it says. The first one says, "23 delegates shall constitute a quorum." Does that mean to you that we need 23 people to do business? To me, that's what it means; that's my interpretation.

MR. KAMENY: Twenty-three warm bodies in the room.

MR. BALDWIN: To do business.

MS. SIMMONS: That's right.

MR. BALDWIN: Okay, let's just deal with that. My "it" is referring to those 23 people, so I'm saying the same thing we've always operated under under majority rule; that any quorum present may make motions, resolutions, and transact the business of the convention. That's the only intent of my motion, and it says that same thing.

The only thing that's confusing is when they put in "a majority of the delegates may," and I said that in order to get that out, just delete that, and you still have 23

people carrying on the business of this convention.

I agree with delegate Jackson. I don't see where we've got a problem with that, because if you deal with it in any other way, it isn't following what we've passed in the past.

I don't know what the sense of this other motion is trying to get at. Are you really saying you want 45 people present before we can pass a motion? What is the intent of your motion? Maybe Ms. Harris could explain.

How many people would you need to transact business and to make motions?

MS. HARRIS: First, let me say that --

PRESIDENT CASSELL: Hold it, delegate Baldwin.

MS. HARRIS: There are two people standing.

PRESIDENT CASSELL: Delegate Coates has the floor.

MR. BALDWIN: I'm sorry.

PRESIDENT CASSELL: You were responding to his point of inquiry.

MR. COATES: May I further extend the question, Mr. Chair, and that is to further inquire as to how it -- that is, the quorum -- adopts a resolution or proposal? How does it do it? Does it do it by requiring that all of its delegates -- that is, those who constitute the quorum -- vote aye to prevail?

or does it achieve it in some other way?

I submit that the language here does not make that clear, sir. And the question that I raise is in the hope that we do clarify in what manner -- it would seem to me that the proposed amendment does indicate that a quorum can, in fact, adopt resolutions, but it's not clear to me in what way it does it. Specifically, what vote is required to prevail with respect to an issue?

MS. HARRIS: Mr. Chair, I can clear that up, I think.

PRESIDENT CASSELL: Delegate Coates has raised a question about the current amendment on the floor which says "it may adopt any motion." When a quorum is present, it may adopt any motion. His question how much, what percentage of "it," need vote in order to adopt, and that gets you back again to the possibility of 12.

It isn't clear now, so if you explain it, I think we've got to look at some language which gets us off of this constant debate.

MS. HARRIS: If I could get an amendment to this, "it" could refer to 20 of the 23. It could refer to a number of the quorum present, and that would say, "When a quorum is present," which is 23 people, "20 may adopt any motion or



resolution." "It" could refer to a number of people of the 23.

PRESIDENT CASSELL: I think that's about as clear as that is going to get.

MR. BLOUNT: Mr. Chairman?

PRESIDENT CASSELL: Yes?

MR. BLOUNT: I have a way out from this and I think we could get out of this by asking my colleague to withdraw his motion and I would offer a motion that we simply raise the quorum to 30, because I think the delegate is interested in seeing more persons present to vote on issues. I think that's the gist of what you're saying.

It's not that you have to have 45 people here. Obviously, people will be absent from time to time. But she was concerned that 12 people would vote on certain issues. So, by raising this to 30, I think we will have effected a reasonable compromise. So, I would so offer that.

MR. BALDWIN: Delegate Blount, technically, once a motion has been made and seconded, it becomes the property of the assembly. If they want me to withdraw it, I'll gladly do it.

MR. BLOUNT: Okay. If you'll withdraw it, I'll put mine in.

MR. BALDWIN: I'm saying if the assembly wants it, not the maker of the motion. Technically, it is left up to the assembly. Once you get a motion out there, it belongs to this body, and if the body wants it withdrawn, it's okay with me.

PRESIDENT CASSELL: Okay. We're still dealing with an amendment to an amendment.

MR. BLOUNT: Okay. Well, first, I would move to withdraw my fellow delegate's motion.

(The motion was duly seconded.)

PRESIDENT CASSELL: I don't know that that's a proper motion. I have to rule that out of order, to ask an individual to withdraw.

MR. BALDWIN: If they say by general consensus that they want to take it off, that will get it off. I don't have any problem with it. I'll withdraw. I'll accept it.

MR. BLOUNT: Okay, he'll withdraw it, then. Now, is my amendment in order?

PRESIDENT CASSELL: Yes.

MR. BLOUNT: I move that the quorum be simply raised to 30. Where "23 delegates" is, insert "30 delegates."

PRESIDENT CASSELL: Is there a second to that motion?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the first line be changed in rule 8.1 to read, "Quorum: 30 delegates shall constitute a quorum for the transaction of the business."

Discussion? Jackson?

MR. JACKSON: I'd like to speak against the motion. There is not a single body in this country that requires more than a majority for a quorum. And, God, if we cannot understand simple language, then we have no business here.

Seriously, you are saying to me that if 15 people do not want to come and transact business, they can stay home. I think we're over-complicating this thing. I think we are trying to do something that history doesn't allow for.

I think the motion is fine as it is; we can change a few words to help those who have some problem with understanding understand it better. But I don't think anyone misunderstands it; I think there's just manipulation of the understanding of it.

I strongly speak against anything more than a majority constituting a quorum.

PRESIDENT CASSELL: Simmons, Cooper, Rothschild.

MS. SIMMONS: The point that I wanted to make, Mr.